

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

STERLING SAVINGS BANK, a Washington )  
chartered commercial bank, )  
commercial bank, )

Plaintiff,

V.

**SING CHAN and DEBBIE CHAN,**

Defendants,

$$V.$$

**STERLING SAVINGS BANK**, a Washington chartered commercial bank,

Counterclaim Defendant,

And

**NORRIS BEGGS & SIMPSON NORTHWEST LIMITED PARTNERSHIP, dba NAI NORRIS BEGGS & SIMPSON; KEVIN E. PUTNEY; STARK GROUP LLC, an Oregon limited liability company; MARK MADDEN; and SHAWN MARVIN,**

Third-Party Defendants.

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12 **HUBEL, J.,**

13 Before the court are two motions to compel, filed on July 11,  
14 2012, by defendants Sing Chan and Debbie Chan (collectively,  
15 "Defendants") in the above-captioned case: (1) Defendants' motion  
16 (Docket No. 25) to compel responses to Request Nos. 1-19 of its  
17 first request for production to third-party defendants Stark Group  
18 LLC and Mark Madden; and (2) Defendants' motion (Docket No. 26) to  
19 compel responses to Request Nos. 1-16 of its first request for  
20 production to plaintiff Sterling Savings Bank ("Plaintiff"). As  
21 the parties conceded during the July 27, 2012 oral argument,  
22 Defendants seek production of documents in three distinct  
23 categories: (1) all documents relating to Plaintiff's loan  
24 transaction with Defendants; (2) all documents relating to loan  
25 transactions which Stark Group LLC and/or Mark Madden and Plaintiff  
26 may have entered into between January 1, 2007 and December 31,  
27 2008; and (3) all documents relating to Plaintiff's loan  
28 transactions with third persons who are not parties to this  
litigation, which were "secured by property located within the area  
generally known as The Pearl District, Portland, Oregon."

1 For the reasons stated on the record at the time of oral  
2 argument, all of which are incorporated herein by reference,  
3 Defendants' motions (Docket Nos. 25 and 26) to compel are GRANTED  
4 in part and DENIED in part. Plaintiff, Stark Group LLC and Mark  
5 Madden must produce (1) all documents relating to Plaintiff's loan  
6 transaction with Defendants (i.e., the loan on the property in  
7 question), subject to Plaintiff's privilege log and any privilege  
8 log produced by Stark Group LLC and/or Mark Madden; and (2) all  
9 documents relating to loan transactions which Stark Group LLC  
10 and/or Mark Madden and Plaintiff may have entered into between  
11 January 1, 2007 and July 14, 2008, the closing date of the loan  
12 transaction between Plaintiff and Defendants. Defendants' motion  
13 is denied with respect to the third category of documents  
14 requested.

15 All documents ordered to be produced shall be provided to  
16 Defendants' counsel by August 20, 2012. Defendants must bear the  
17 cost of photocopying and Defendants' counsel must confer with  
18 opposing counsel as to the scope of the second category of  
19 documents requested.

20 A fourth category of documents was raised in the written  
21 motion to compel production from Stark Group LLC and/or Madden,  
22 which was not discussed by the parties during oral argument:  
23 "REQUEST FOR PRODUCTION NO. 12: All documents in [Stark Group LLC  
24 and/or Madden]'s possession, custody or control relating to other  
25 appraisals obtained by [Stark Group LLC and/or Madden] for loans  
26 originated in 2008 secured by property located within the area  
27 generally known as The Pearl District, Portland, Oregon." (Defs.'  
28 Mot. Compel (Docket No. 26) at 3.) To the extent Defendants'

1 motion seek the appraisal documents for loans originated in 2008  
2 between Plaintiff as lender and Madden and/or Stark Group as the  
3 borrowers, the motion is granted as above, but beyond that, for  
4 appraisal documents for loans from other lenders to Stark Group LLC  
5 and Madden, the motion is denied at this time with permission to  
6 renew it if new information becomes available on this issue through  
7 the discovery ordered herein which suggests a different ruling is  
8 appropriate.

9 IT IS SO ORDERED.

10 Dated this \_8th\_\_\_ day of August, 2012.

11 /s/ Dennis J. Hubel

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13 DENNIS J. HUBEL  
14 United States Magistrate Judge  
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